

Appendix P

**SUMMARY OF REQUIREMENTS FOR NONDEGRADATION “EXEMPTIONS” IN ARM 17.30.716**  
**FISCAL YEAR 2008 VERSION<sup>(1)</sup>**

*NOTE: This is not part of the official rule – it is an informational summary. To ensure compliance with all requirements of the rule, refer to the rule.*

REQUIREMENTS	CATEGORY #1	CATEGORY #2	CATEGORY #3	CATEGORY #4 <sup>(1)</sup>	CATEGORY #5
<b>General Requirements [ARM 17.30.716(2)(a)]</b>					
Distance between absorption trench and impacted downgradient high-quality surface water	≥1,000 feet (500 if trench is pressure-dosed)	≥500 feet	≥500 feet	≥400 feet (200 if trench is pressure-dosed)	≥1,000 feet (500 if trench is pressure-dosed)
Perc rate <sup>(2)</sup> and soil requirement if absorption trench (AT) is not pressure-dosed (if AT is pressured-dosed, these requirements don’t apply).	Perc. rate between 16 and 50 min/inch; AND 6 feet of VFS, SCL, CL, or SiCL soil	NOT APPLICABLE	NOT APPLICABLE	Perc. rate between 16 and 50 min/inch; AND 6 feet of VFS, SCL, CL, or SiCL soil	Perc. rate between 16 and 50 min/inch; AND 6 feet of VFS, SCL, CL, or SiCL soil
SWTS designed for ≤ 2 single-family residences, or non-industrial design flow ≤ 700 gal. per day	APPLICABLE	APPLICABLE	APPLICABLE	APPLICABLE	APPLICABLE
SWTS is on the lot being served and there is only one SWTS on the lot	APPLICABLE	APPLICABLE	APPLICABLE	APPLICABLE	APPLICABLE
SWTS meets current requirements in DEQ-4 and ARM 17.36 sub-chapter 3	APPLICABLE	APPLICABLE	APPLICABLE	APPLICABLE	APPLICABLE
Background nitrate concentration limit (does not apply to lots ≥20 acres when the absorption trench is greater than 500 feet from the downgradient property boundary)	<2 mg/L	<2 mg/L	<2 mg/L	<2 mg/L	<2 mg/L
<b>Specific Requirements [ARM 17.30.716(2)(b)]</b>	<b>ARM 17.36.716(2)(b)(i)</b>	<b>ARM 17.36.716(2)(b)(ii)</b>	<b>ARM 17.36.716(2)(b)(iii)</b>	<b>ARM 17.36.716(2)(b)(iv)</b>	<b>ARM 17.36.716(2)(b)(v)</b>
Lot size	≥2 acres	≥2 acres	≥1 acre	NOT APPLICABLE	≥2 acres
Percolation rate <sup>(2)(3)</sup>	≥ 16 min/inch	≥ 6 min/inch	≥ 6 min/inch	NOT APPLICABLE	NOT APPLICABLE
Soil type required beneath the absorption trench (minimum thickness of 6 feet)	VFS, SCL or finer material	MS, SL or finer material	MS, SL or finer material	NOT APPLICABLE	NOT APPLICABLE
Depth to bedrock and ground water below ground surface	≥8 feet (seasonally high ground water)	≥12 feet (seasonally high ground water)	≥100 feet	NOT APPLICABLE	NOT APPLICABLE
Depth to limiting layer below ground surface	NOT APPLICABLE	NOT APPLICABLE	NOT APPLICABLE	NOT APPLICABLE	>6 feet
Pressure-dosing of absorption trench required	NOT APPLICABLE	APPLICABLE	APPLICABLE	NOT APPLICABLE	NOT APPLICABLE
Number of lots in subdivision	NOT APPLICABLE	NOT APPLICABLE	≤ 5	NOT APPLICABLE	NOT APPLICABLE
Distance from subdivision boundaries to any neighboring existing/approved SWTSs	NOT APPLICABLE	NOT APPLICABLE	≥ 500 feet	NOT APPLICABLE	NOT APPLICABLE
Number of subdivision lots created in the county over last 10 fiscal years	NOT APPLICABLE	NOT APPLICABLE	NOT APPLICABLE	<150 <sup>(4)</sup>	NOT APPLICABLE
Distance between lot and any town with a population > 500	NOT APPLICABLE	NOT APPLICABLE	NOT APPLICABLE	>1 mile	NOT APPLICABLE
Depth of absorption trench below ground surface	NOT APPLICABLE	NOT APPLICABLE	NOT APPLICABLE	NOT APPLICABLE	≤18 inches
Level II SWTS required	NOT APPLICABLE	NOT APPLICABLE	NOT APPLICABLE	NOT APPLICABLE	APPLICABLE
<b>Well Setback [ARM 17.30.716(3)]</b>					
Separation between a provisional mixing zone and any existing/approved drinking water supply well	≥100 feet	≥100 feet	≥100 feet	≥100 feet	≥100 feet

**NOTES:**

- (1) Requirements for category 4 include a maximum number of lots subdivided over previous 10 fiscal years. Therefore, this table will be updated at the beginning of each fiscal year.
- (2) Percolation rates are only necessary when a percolation test has been conducted on the lot. If no percolation test has been conducted, the soil type will be used to determine compliance with the rule.
- (3) The symbol “≥” indicates a percolation rate equal to or greater (i.e. slower) than the value listed.
- (4) For fiscal year 2008, the counties that meet this requirement are: Blaine, Carter, Chouteau, Custer, Daniels, Dawson, Fallon, Garfield, Glacier, Golden Valley, Judith Basin, Liberty, McCone, Meagher, Musselshell, Petroleum, Phillips, Pondera, Powder River, Prairie, Roosevelt, Rosebud, Sheridan, Teton, Toole, Treasure, Wheatland, Wibaux.

**ABBREVIATIONS:**

SWTS =SUBSURFACE WASTEWATER TREATMENT SYSTEM  
VFS = VERY FINE SAND  
SCL = SANDY CLAY LOAM  
CL = CLAY LOAM  
SiCL = SILTY CLAY LOAM  
MS = MEDIUM SAND  
SL = SANDY LOAM

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